

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Javier Osbaldo Lemus-Fonseca,

Civil No. 06-1300 (RHK/AJB)

Petitioner,

ORDER

v.

Warden R.L. Morrison, Duluth Federal
Prison Camp, The Federal Bureau of
Prisons,

Respondents.

Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan dated May 18, 2006, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation (Doc. No. 8) is **ADOPTED**; and
2. Javier Lemus-Fonseca's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) is **GRANTED**. The Bureau of Prisons shall timely conduct an individualized review of Petitioner's CCC eligibility.

Dated: June 16, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge

